

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**J. MICHAEL MAULSBY o/b/o
SARAH ENID BECK,**

Plaintiff,

v.

CIV No. 13-0226 LH/SMV

**CAROLYN COLVIN,
Acting Comm'r of SSA,**

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**


THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 33] ("PF&RD"), issued on March 17, 2014. On reference by the Court, [Doc. 32], the Honorable Stephan M. Vidmar, United States Magistrate Judge recommended that Plaintiff's Motion to Reverse or Remand the Administrative Decision [Doc. 23] be granted and that the case be remanded for further proceedings. [Doc. 33]. Specifically, Judge Vidmar found that the Administrative Law Judge failed to apply the correct legal standards in evaluating the opinion of treating physician Ralph Luciani, D.O. *Id.* at 6–10. He found that remand was necessary for proper evaluation of Dr. Luciani's opinion and similarly for the opinion of Aaron Kaufman, D.O. *Id.* Finally, Judge Vidmar found that because further administrative findings were needed, an immediate award of benefits was not warranted. *Id.* No party objected to the PF&RD, and the time for doing so has passed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 33] be **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Reverse or Remand the Administrative Decision [Doc. 23] be **GRANTED** to the extent that the Commissioner's final decision should be **REVERSED** and that this case be **REMANDED** for further proceedings in accordance with the PF&RD [Doc. 33].

IT IS FURTHER ORDERED that Plaintiff's request for remand for an immediate award of benefits be **DENIED**.

IT SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE